

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

Yohannes A. Woldemichael :
t/a Capitol Fine Wine & :
Spirits :
415 H Street NE : Protest (Status)
: Hearing
Retailer A :
License No. 82981 :
ANC 6C :
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JULY 29, 2015

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street N.W.,
Washington, D.C., Chairperson Ruthanne Miller,
presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
DONALD BROOKS, Member
NICK ALBERTI, Member
HECTOR RODRIGUEZ, Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 9:35 a.m.

3 CHAIRPERSON MILLER: Okay, good
4 morning, everyone. I want to welcome you to the
5 regularly scheduled meeting of the District of
6 Columbia's Alcoholic Beverage Control Board.

7 Today is July 29th, 2015. My name is
8 Ruthanne Miller. I'm the Chairperson, and
9 joining me to my far right is Mr. Donald Brooks,
10 and next to Mr. Brooks is Mr. Nick Alberti, and
11 next to Mr. Alberti is Mr. Hector Rodriguez.

12 So, we have four members in attendance
13 right now for the conduct of business. Three
14 constitute a quorum, and our fifth one, I
15 believe, is joining us now, Mr. Mike Silverstein.

16 Copies of today's hearing calendar and
17 agenda are available at the receptionist desk.

18 Please be aware that these proceedings
19 are being recorded by a Court Reporter.

20 Accordingly, we must ask you to refrain from any
21 disruptive noises or actions in the hearing room.

22 Okay, if you have any electronic

1 devices, pagers, cell phones or such, please make
2 certain that they're turned off to avoid any
3 interruption of the proceedings.

4 When I call your case, please come
5 forward and take a seat at one of the tables in
6 the front. You'll note that there's a piece of
7 paper on each table for you to sign in. This
8 will ensure the correct spelling of your name for
9 the record.

10 The Open Meetings Act requires that
11 the public hearing on each case be open to the
12 public. The Board may, consistent with Section
13 405(b) of the Open Meetings Act, enter a closed
14 meeting during or after the public hearing on a
15 case to consult with an attorney to obtain legal
16 advice, discuss settlement agreements or
17 deliberate upon a decision in an adjudication
18 proceeding.

19 So, that completes my preliminary
20 remarks, and we can now turn to this morning's
21 calendar.

22 We have several protest status hearing

1 case. The first one on the agenda is Case No.
2 15-PRO-00058 Capitol Fine Wine & Spirits, located
3 at 415 H Street, Northeast, License No. 82981 in
4 ANC 6C, and this is an application to renew the
5 license.

6 When you're ready, could you identify
7 yourself for the record?

8 MR. ECKENWILER: Madam Chair, my name
9 is Mark Eckenwiler. I am Commissioner for Single
10 Member District 6C04, here on behalf of ANC 6C.

11 CHAIRPERSON MILLER: Okay, is anybody
12 here for Capitol Fine Wine & Spirits?

13 (No audible response.)

14 MR. ECKENWILER: I do not see them
15 present, Madam Chair.

16 CHAIRPERSON MILLER: Okay, so, what we
17 often do in this instance, we haven't heard
18 anything from the Applicant and apparently, you
19 don't know where the Applicant is.

20 Okay, so, we have several protest
21 hearing status cases.

22 What I'd like to ask is, if you might

1 step back into the audience and we'll come back
2 to this case, at the end of the -- of this line
3 of cases, okay, which is pretty quick. Thank
4 you.

5 (Whereupon, the above-entitled matter
6 went off the record at 9:39 a.m. and resumed at
7 10:24 a.m.)

8 CHAIRPERSON MILLER: All right, why
9 don't we go back to the ones that we had passed,
10 and see if parties have appeared in those cases?

11 The first one is Case No. 15-PRO-
12 00058, Capitol Fine Wine and Spirits.

13 Okay, would you identify yourself for
14 the record?

15 MR. ECKENWILER: Mark Eckenwiler,
16 Commissioner ANC 6C04 for ANC 6C.

17 CHAIRPERSON MILLER: Good morning.

18 MR. WOLDEMICHAEL: Good morning.

19 CHAIRPERSON MILLER: Good morning.

20 MR. WOLDEMICHAEL: Yohannes
21 Woldemichael.

22 CHAIRPERSON MILLER: Okay, and you're

1 the Applicant?

2 MR. WOLDEMICHAEL: Yes, ma'am.

3 CHAIRPERSON MILLER: All right, okay.

4 Well, now, it's 10:24 a.m., so, you've had some
5 time to get here.

6 All right, this is just -- we passed
7 your case originally. You were number one.

8 Okay, I'm glad you're here and do you
9 have any particular issues you want to bring to
10 our attention? Otherwise, then I'll give you
11 some preliminary information about the protest
12 hearing.

13 (No audible response.)

14 CHAIRPERSON MILLER: No? Okay, if you
15 end up going to a protest hearing, that hearing
16 will be September 30th, 2015 at 1:30 p.m.

17 Prior to the hearing, you will be sent
18 from our office, two very important forms, which
19 are due back at our office seven days ahead of
20 the hearing, and also, to be served on the other
21 parties, seven days ahead.

22 They are protest information form and

1 an exhibit form.

2 Protest information form will ask you
3 for your issues, as they hopefully, have been
4 narrowed by the time you get to the hearing, and
5 it will ask you for your witnesses, and those
6 witnesses must be identified by name, not by just
7 category, not like neighbors' or something.

8 Then your exhibit form must identify
9 specifically, any documents, photos, whatever
10 exhibits you want to or intend to produce at the
11 hearing for evidence, for your case.

12 Also, you'll need to attach any
13 documents or photos that are listed, and serve
14 copies on the Board, and on the other side, and
15 the point of these forms, we found they make the
16 case hearing much more focused and everybody is
17 on notice, as to what the issues are, so they can
18 address them better, and they're fair and more
19 efficient.

20 Now, if you fail to comply with the
21 rules regarding, you know, serving on each other,
22 it's possible -- and the Board, it's possible

1 that a witness could be excluded or document or
2 exhibit excluded, because of an unfairness to the
3 other side, for not being on notice to be able to
4 address that adequately.

5 So, it's not an automatic thing, but
6 also that there wasn't a good reason for you not
7 to have produced it earlier. So, it's not an
8 automatic thing, but that's the rationale and --
9 that will be used.

10 So, if you don't get those forms, you
11 know, within a couple weeks of the hearing,
12 contact Janae Raines, and she'll make sure you
13 get them. Her number is 442-4353. You can ask
14 her also, any other questions you might have
15 about the hearing process.

16 Okay, any questions?

17 (No audible response.)

18 CHAIRPERSON MILLER: All right, then,
19 thank you very much. Have a good summer.

20 (Whereupon, the above-entitled matter
21 went off the record at 10:27 a.m.)
22

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